

Staff Report - Board of Zoning Appeals

Docket #:	BZA2022-003	Hearing Date:	February 28, 2022
Applicant:	Mark Henrichs, 299 W. Main Street, Greenwood, IN 46142		
Owner:	Same as above		
Subject -Property Address:	205 S. Madison Avenue, Suite 203, Greenwood, IN 46142		
Staff Contact:	Ed Ferguson, fergusoe@greenwood.in.gov, 317-887-5231		

Request:

Petitioner requests approval of a use variance in order to operate a personal care and beauty service salon at 205 S. Madison Avenue, Suite 203. The proposed salon will operate on the second floor of the building. Salons are not a permitted use in the OT Old Town zone.

Location:

The property is addressed as 205 South Madison Avenue, Suite 203. The property is legally described as Lot 5 and parts of Lots 3, 4, and 6 in Phillip S. Clellands Addition to the Town of Greenwood, as per the plat thereof recorded in Plat Book 1, page 66, in the Office of the Recorder of Johnson County, Indiana. The building is located on the southeast corner of the intersection of Main Street & Madison Avenue. Primary tenant in the building is The Revery restaurant.

See attached Exhibit A – Overhead Aerial View of Building & Parking

See attached Exhibit B – Overhead Angled View of Main & Madison Intersection

Indiana Code Reference(s):

• Section 36-7-4918.4 (Use Variance)

Surrounding Land Uses:

- A. Existing: Multi-tenant commercial uses
- B. North: OT Old Town Office and Commercial uses
- C. South: OT Old Town Office and Commercial uses
- D. East: OT Old Town Office and Commercial uses
- E. West: OT Old Town Office and Commercial uses including Greenwood City Center

See attached Exhibit B -- Aerial Location Map

Statutory Criteria:

- Indiana Code Section 36-7-4-918.4 Use Variances may be approved only upon a determination in writing that:
 - 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- 3. The need for the variance arises from some condition peculiar to the property involved;
- 4. The strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought; and
- 5. The approval does not interfere substantially with the Comprehensive Plan.
- Indiana Code Section 9-21-10-3 No Hazard to Air Navigation (if applicable)
 - 1. The structure is regulated under Indiana Code 8-21-10-3 and the Board of Zoning Appeals has received a copy of the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration and the Board of Aviation Commissioners has been delivered notice in accordance with Indiana Code 8-21-10-3 not less than sixty days before the proposal is considered.

Greenwood Code References:

Unified Development Ordinance, Section 10-02-11, Master List of Uses by Zone and District, does not permit personal care/salon use in the OT Old Town zone.

PETITIONER'S DETAILED STATEMENTS OF REASONS

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because :

The inclusion of a salon within the Old Town zone will only promote a positive reflection of the community and add to its vitalization. A salon will not pose any public health or safety concerns as the small business owners will meet or exceed all regulations for a full-service salon. The salon will uphold the morals of the community by promoting positive self-images of its clients and focusing on the sanctity of marriage with a focus on brides and wedding preparation. The general welfare of the community will only see a positive impact as well with an additional option for health and beauty. A salon will increase economic activity in the area will connect to other local businesses that focus in the hospitality and wedding industry, such as local venues. A salon with these focuses will draw in a new clientele for the area and may boost sales in the various venues, restaurants, and retail stores in Old Town.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because :

The salon will only positively impact adjacent property owners by attracting new clientele to the area that may increase foot traffic and economic activity to corresponding businesses and restaurants. The salon will be small, therefore will not attract large groups at a time to minimize congestion in the area and parking is provided on the property, therefore it will not impact parking for the local business owners and their patrons.

3. The need for the variance arises from some condition peculiar to the property involved, because :

The current zoning does not allow for personal health and beauty businesses. The allowance for this variance would allow for a salon, which is a new upscale, small business to open that aligns with the vision for the revitalization of the area.

4. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought, because :

The owners of the business will not be able to open and will be forced to look elsewhere for a space that lies outside of Old Town Greenwood, taking its clients to another area. This particular salon focuses on wedding preparation and will have strong ties with the new Folktale Event Center opening at 243 S. Madison Avenue. This salon could drive new business to other local businesses in the area and this particular industry including venues, catering businesses, and bars/restaurants.

5. The approval does not interfere substantially with the Comprehensive Plan, because :

The salon business would only add to the revitalization of Old Town Greenwood and bring new patrons and economic activity to the area. The business will draw attention to those seeking a new health and beauty option, and/or future brides that may then discover all the other options that the area possesses in the wedding industry.

Summary and Proposed Conditions:

The proposed salon will operate within a multi-tenant building. Visibility will be limited to wall or window signage on the building. Customers typically arrive individually or in small groups. Impact should be minimal.

Staff has no objections to petitioner's statements of reasons. Staff recommends approval.

Attachments:

Exhibit A - Overhead Aerial View of Building & Parking

Exhibit B – Overhead Angled View of Madison & Main Intersection

299 W Main St/ 205 S Madison Ave

Exhibit A Overhead Aerial View BZA 2022-003

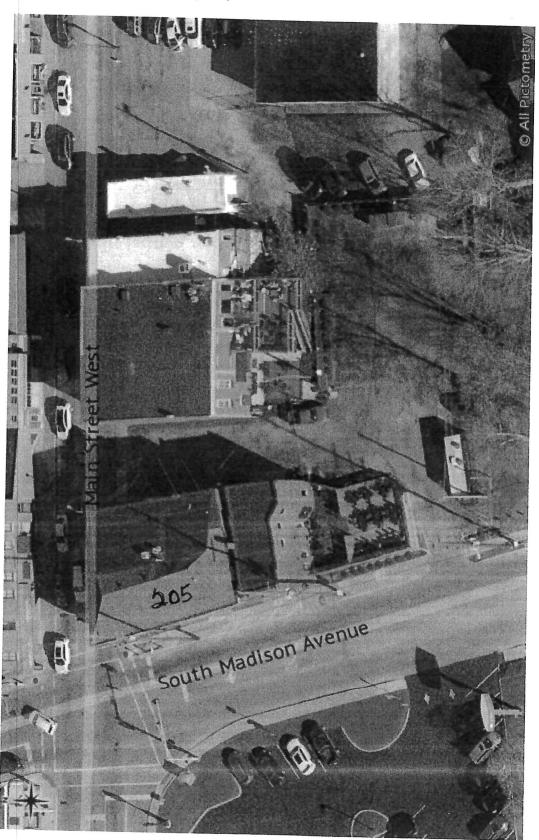


Exhibit B Overhead Angled View - Intersection BZA 2022-003

